

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (AT DAYTON)

PAYSOURCE, INC., et al. : CASE NO. 3:07CV0129
Plaintiffs, :
: (Judge Walter H. Rice)
: (Magistrate Judge Sharon L. Ovington)
v. :
DEFENDANT FRANK AMODEO'S
MIRABILIS VENTURES, INC., et al. REPLY TO PLAINTIFFS'
Defendants. : MEMORANDUM IN OPPOSITION
: TO DEFENDANT FRANK
: AMODEO'S MOTION FOR AN
: EXTENSION OF TIME TO
: RESPOND TO PLAINTIFFS'
: COMPLAINT

Pursuant to S.D. Ohio Civ. R. 6.1 and Fed. R. Civ. P. 6(b)(1), the Court should grant Defendant Frank Amodeo a short extension of time, to and including March 17, 2008, to respond to Plaintiffs' Complaint. Mr. Amodeo lives in Florida, and his counsel in this case is in Ohio. To this point, the undersigned counsel have spoken to Mr. Amodeo only by telephone. The allegations in the Complaint concern a series of alleged complex acquisitions gone awry. The undersigned counsel have been working on a motion to dismiss, which is also complex and requires support by affidavit. Counsel have been diligent in working on the motion but have been unable to meet in person with Mr. Amodeo, in Florida, until March 11, 2008. A mere two-week extension, not interposed for delay, is not unreasonable in this complex, multi-party, multi-count case involving not one but multiple transactions and large alleged damages.

Accordingly, Defendant Amodeo requests that this Court grant his motion for a two-week extension to and including March 17, 2008, to respond to Plaintiffs' Complaint.

Respectfully submitted,

/s Charles J. Faruki

Charles J. Faruki, Esq. (0010417)
Trial Attorney

Martin A. Foos, Esq. (0065762)
Jacqueline V. Brown, Esq. (0078459)
FARUKI IRELAND & COX P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, OH 45402
Telephone: (937) 227-3705
Telecopier: (937) 227-3717
Email: cfaruki@fclaw.com

Attorneys for Defendant
Frank Amodeo

CERTIFICATE OF SERVICE

I certify that on the 11th day of March, 2008, I electronically filed the foregoing Defendant Frank Amodeo's Reply to Plaintiffs' Memorandum in Opposition to Defendant Frank Amodeo's Motion for an Extension of Time to Respond to Plaintiffs' Complaint with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to CM/ECF participants, and I hereby certify that I have mailed by United States Postal Service the document to the non-CM/ECF participants:

David C. Greer
Joseph C. Oehlers
BIESER, GREER & LANDIS LLP
400 National City Center
6 N. Main Street
Dayton, OH 45402

Attorneys for Defendants, Mirabilis Ventures, Inc., Mirabilis HR, SPH, Inc., Common Paymaster Corp., AEM, Inc., Aaron Bates, Yaniv Amar, Marty Flynn, James Sadrianna and Jay Stollenwerk

Scott K. Jones
Craig A. Hoffman
PORTER WRIGHT MORRIS & ARTHUR LLP
One South Main St., Suite 1600
Dayton, OH 45402

Attorneys for Defendant
Michael Stanley

Brian S. Sullivan
Timothy S. Mangan
Seth A. Schwartz
DINSMORE & SHOHL
1900 Chemed Center
255 East Fifth St.
Cincinnati, OH 45202

Attorneys for Paysource, Inc., Robert R. Sacco

Avant Services, Inc.
156 Shinnecock Hill
Avondale, PA 19311

/s Charles J. Faruki

Charles J. Faruki

193741.1